IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 13878 of 2004

Between:

1 V. Satyanarayana, S/o. Venkata Raju,
working in Muramanda C.R.B. Muramanda,

Kadiyam Mandal, E.G. District.
2 A. Annavaram, S/o. Satyanarayana,
working in Muramanda C.R.B. Muramanda,

Kadiyam Mandal, E.G. District.
3 M. Veera Venkata Satyanarayana, S/o. Appa Rao,
working in Muramanda C.R.B. Muramanda,

Kadiyam Mandal, E.G. District.
4 U.V. Chandra Rao, S/o. Satyanarayana,
working in Muramanda C.R.B. Muramanda,

Kadiyam Mandal, E.G. District.
5 S. Suryanarayana, S/o. Narayudu,
working in Muramanda C.R.B. Muramanda,

Kadiyam Mandal, E.G. District.

..... PETITIONERS

AND

1 The District Cooperative Officer, E.G. District at Kakinada.
2 The Divisional Coop. Officer, Rajahmundry, E.G. District.
3 The Muramanda C.R.B. Muramanda, Kadiyam Mandal,

E.G. District, rep by its Chairman / PIC.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents particularly the 3rd respondent in terminating the service of the petitioners vide proceedings dated 31-7-2004 without any notice or opportunity and further auction of the 2nd respondent is not taking any action against the 3rd respondent bank for action contrary to the instructions issued by the Government as highly illegal, arbitrary and violative of Art. 14 of the Constitution of India apart from contrary to the provisions of A.P.C.S. Act and instructions issued vide G.O.Ms.No.308, dated 19-11-2003 and G.O.Ms.No.94, dated 28-2-2004 and consequently set the same.

Counsel for the Petitioner: MR.G.V.SHIVAJI

Counsel for the Respondent Nos.1 to 3: GP FOR COOPERATION

The Court made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.13878 OF 2004

ORDER:

The petitioners, worked under the third respondent society. By virtue of G.O.Ms.No.308 dated 19-11-2003, they were removed from service through the impugned order dated 31-07-2004 on the ground that the expenditure, towards salaries of the employees, is exceeding 30% of the profit of the society. The petitioners approached this Court on the sole ground that they were removed from service without issuing any notice.

2. The learned counsel for the petitioners submitted that the petitioners worked for so many years, and if they are removed abruptly, they will be in streets, and in the event of the bank improving its performance and getting more profits, they will be deprived of the continuation in the jobs. Therefore, he submits that the petitioners are ready to work in the society, with whatever salary, that is going to be paid by the society within the amount available being the 30% of the profit of the bank for this financial year. The petitioners counsel further submitted that the petitioners are ready to give an undertaking that they would accept the salary, whatever that is going to be fixed by the society,

keeping in view the amount available with the society being 30% of the profit it earned, during the financial year.

3. The third respondent is therefore directed to continue the services of the petitioners, in the event of their coming forward with a representation and with an undertaking that they are ready to work for whatever salary that is going to be paid within the amount available to the society.

4. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

10th August, 2004

SKM

TO

1 The District Cooperative Officer, E.G. District at Kakinada.
2 The Divisional Coop. Officer, Rajahmundry, E.G. District.
3 The Chairman / PIC, Muramanda C.R.B.,

Muramanda, Kadiyam Mandal, E.G. District.

4 Two C.Cs. to G.P. for Cooperation, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

5 Two C.D.Copies.